

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

M.C., by and through his	:	
parents, C.C. and K.C.,	:	
and C.C. and K.C.	:	
individually,	:	CIVIL ACTION
	:	NO. 09-2413
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
	:	
WALLINGFORD-SWARTHMORE	:	
SCHOOL DISTRICT et. al.	:	
	:	
	:	
Defendants.	:	

O R D E R

AND NOW, this **3rd** day of **December, 2009**, it is hereby **ORDERED** that Defendants' Motion to Dismiss First Amended Complaint (docs. nos. 6 & 11) is **GRANTED in part and DENIED in part.**¹

AND IT IS SO ORDERED.

s/Eduardo C. Robreno
EDUARDO C. ROBRENO, J.

1. For the reasons stated on the record, the motion is granted to the extent that Defendants' move to dismiss Plaintiffs' equal protection (class of one) claim, Count III of the Amended Complaint, as it does not clearly allege what disparate treatment Plaintiffs received and is insufficient to state a claim. Plaintiffs are granted leave to amend their complaint within ten days, if they so wish.

Defendants motion to dismiss is denied as to Plaintiffs' retaliation claims, Count II, and Defendants' claim of qualified immunity.